

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

ROSE LORENZO, and all others)	
similarly situated,)	
)	
Plaintiffs,)	
)	Civil Action No. 5:12-cv-69-H
v.)	
)	
PRIME COMMUNICATIONS, L.P.,)	
)	
Defendant.)	

**MOTION TO DECLINE SUPPLEMENTAL JURISDICTION, OR, ALTERNATIVELY,
TO BIFURCATE**

Defendant Prime Communications, L.P. (“Prime”) herein moves the Court to decline supplemental jurisdiction. As set forth more fully in the accompanying Memorandum of Law filed in support of this motion, while this Court has jurisdiction over the FLSA claims because they arise under a federal statute, supplemental jurisdiction over the NCWHA claims is lacking because the NCWHA claims (1) do not involve “the same case or controversy” as the FLSA claims; (2) involve novel and complex issues of North Carolina law; and (3) substantially predominate over the FLSA claims.

In the alternative, Prime respectfully requests the Court to bifurcate this litigation. The referenced matters should not be tried together as they present different issues, are based upon different facts, would be unduly burdensome to be presented together and would create confusion among the jury.

This the 5th day of April, 2017.

RAGSDALE LIGGETT, PLLC

BY: /s/ William W. Pollock

William W. Pollock

N.C. State Bar No.: 19381

John B. Walker

N.C. State Bar No.: 35631

Post Office Box 31507

Raleigh, NC27622-1507

Email: bpollock@rl-law.com

Email: bwalker@rl-law.com

Telephone: (919) 787-5200

Facsimile: (919) 783-8991

*Attorneys for Defendant Prime Communications,
L.P.*

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of April, 2017, I electronically filed the foregoing MOTION TO DECLINE SUPPLEMENTAL JURISDICTION, OR, ALTERNATIVELY, TO BIFURCATE with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Stephen A. Dunn, Esq.
EMANUEL & DUNN, PLLC
Post Office Box 426
Raleigh, NC 27602
Email: sdunn@emanuelanddunn.com
Counsel for Plaintiff

Harris D. Butler III, Esq.
Zev H. Antell, Esq.
BUTLER ROYALS, PLC
100 Shockoe Slip, 4th Floor
Richmond, VA 23219
Email: Harris.butler@butlerroyals.com
Email: Zev.antell@butlerroyals.com
Counsel for Plaintiff

RAGSDALE LIGGETT, PLLC

BY: /s/ William W. Pollock
William W. Pollock
N.C. State Bar No.: 19381
John B. Walker
N.C. State Bar No.: 35631
Post Office Box 31507
Raleigh, NC 27622-1507
Email: bpollock@rl-law.com
Email: bwalker@rl-law.com
Telephone: (919) 787-5200
Facsimile: (919) 783-8991
*Attorneys for Defendant Prime Communications,
L.P.*